

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS**

**Call to Order:** Chairman Joe Balyeat, on March 27, 2009 at 9 A.M.,  
in Room 422 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Joe Balyeat, Chairman (R)  
Sen. Verdell Jackson, Vice Chairman (R)  
Sen. Roy Brown (R)  
Sen. Jim Keane (D)  
Sen. Carolyn Squires (D)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** Sen. Gregory D. Barkus (R)  
Sen. Jim Peterson (R)  
Sen. Donald J. Steinbeisser (R)  
Sen. Sharon Stewart-Peregoy (D)  
Sen. Jonathan Windy Boy (D)

**Members Absent:** None

**Staff Present:** Linda Keim, Committee Secretary  
Pat Murdo, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 246, HB 357, 3/20/2009

Executive Action: HB 331, SB 511, HB 143, HB 211, HB  
318, HB 357, HB 246

**EXECUTIVE ACTION ON HB 331**

00:01:06 **Motion:** Sen. Squires moved that **HB 331 BE CONCURRED IN.**

400:02:13 Chairman Balyeat

00:02:42 Sen. Jackson

00:02:49 Pat Murdo

**EXHIBIT (bus68a01)**

00:05:01 Chairman Balyeat

00:05:05 Pat Murdo

00:06:12 Sen. Jackson

00:06:57 Chairman Balyeat

00:07:01 Pat Murdo

00:07:39 Sen. Keane

00:07:48 Sen. Tropila

00:08:39 Sen. Jackson

00:08:46 Chairman Balyeat

00:08:53 Sen. Stewart-Peregoy arrived.

00:09:21 Rep. Morgan

00:10:01 Brad Griffin, Montana Restaurant Association

00:10:59 Linda Stoll, Association of Montana Public Health  
Officials

00:11:51 Chairman Balyeat

00:13:07 **Motion:** Sen. Keane moved **TO AMEND HB 331.**

**EXHIBIT (bus68a02)**

00:13:35 Pat Murdo

**Discussion:**

00:14:37 Sen. Squires

00:15:02 Sen. Stewart-Peregoy

00:15:30 Sen. Keane

00:15:46 Chairman Balyeat

00:18:50 Sen. Squires

00:19:10 Jane Smilie, Public Health and Safety Division,  
Department of Public Health and Human Services (DPHHS)

00:20:20 Sen. Keane

00:20:40 Jane Smilie

00:21:08 Sen. Jackson

00:21:46 **Vote:** Motion carried 6-5 by roll call vote. Sen. Barkus, Sen. Brown, Sen. Steinbeisser, Sen. Jackson, and Sen. Balyeat voted no. Sen. Barkus, Sen. Peterson, Sen. Steinbeisser, and Sen. Windy Boy voted by proxy.

00:23:23 **Motion:** Sen. Keane moved **HB 331 AS AMENDED BE CONCURRED IN.**

00:23:54 Sen. Keane  
00:23:58 Chairman Balyeat  
00:24:01 Sen. Squires  
00:24:25 Chairman Balyeat  
00:24:28 Sen. Squires  
00:24:45 Sen. Stewart-Peregoy  
00:25:14 Chairman Balyeat  
00:25:43 Sen. Stewart-Peregoy  
00:25:54 Chairman Balyeat  
00:26:11 Sen. Squires  
00:27:25 Chairman Balyeat

00:28:44 **Vote:** Motion failed 5-6 by roll call vote. Sen. Keane, Sen. Peterson, Sen. Squires, Sen. Stewart-Peregoy, and Sen. Windy Boy voted aye. Sen. Barkus, Sen. Peterson, Sen. Steinbeisser, and Sen. Windy Boy voted by proxy.

00:30:00 **Motion/Vote:** Chairman Balyeat moved that **HB 331 BE TABLED AND THE VOTE REVERSED.** Without objection, the vote was reversed and the bill was tabled by unanimous agreement of those present.

**EXECUTIVE ACTION ON SB 511**

00:30:26 **Motion:** Sen. Jackson moved **SB 511 DO PASS.**

00:30:37 **Motion:** Sen. Tropila moved **TO AMEND SB 511.**  
**EXHIBIT (bus68a03)**

**Discussion:**

00:31:55 Pat Murdo  
00:32:00 Sen. Tropila  
00:32:19 Chairman Balyeat

00:32:24 **Vote:** Motion carried unanimously 11-0 by voice vote. Sen. Barkus, Sen. Peterson, Sen. Steinbeisser, and Sen. Windy Boy voted by proxy.

00:32:34 **Motion:** Sen. Tropila moved **SB 511 DO PASS AS AMENDED.**

**Discussion:**

00:32:45 Sen. Brown

00:33:43 Sen. Keane

00:33:58 **Vote:** Motion carried 10-1 by voice vote. Sen. Windy Boy voted no. Sen. Barkus, Sen. Peterson, Sen. Steinbeisser, and Sen. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 143**

00:35:04 **Motion:** Sen Squires moved that **HB 143 BE CONCURRED IN.**

**Discussion:**

00:35:40 Sen. Jackson

00:36:16 Chairman Balyeat

**EXHIBIT**(bus68a04)

00:36:44 Sen. Squires

00:37:51 Sen. Keane

00:38:00 Chairman Balyeat

00:38:33 Sen. Keane

00:38:38 Sen. Jackson

00:38:44 Chairman Balyeat

00:39:24 Sen. Squires

00:39:28 Chairman Balyeat

00:41:37 Pat Murdo

00:42:01 Sen. Brown

00:42:33 Sen. Tropila

00:42:42 Chairman Balyeat

00:43:20 Sen. Squires

00:43:29 **Vote:** Motion failed 1-10 by roll call vote. Sen. Squires voted aye. Sen. Barkus, Sen. Peterson, Sen. Steinbeisser, and Sen. Windy Boy voted by proxy.

00:43:48 **Motion/Vote:** Chairman Balyeat moved that **HB 143 BE TABLED AND THE VOTE REVERSED.** Without objection, the vote was reversed and the bill was tabled by unanimous agreement of those present.

**EXECUTIVE ACTION ON HB 211**

00:44:55 **Motion:** Sen. Keane moved that **HB 211 BE CONCURRED IN.**

**Discussion:**

00:45:05 Pat Murdo

00:45:37 Chairman Balyeat

00:46:12 **Vote:** Motion carried 9-2 by voice vote. Sen. Jackson and Sen. Windy Boy voted no. Sen. Barkus, Sen. Peterson, Sen. Steinbeisser, and Sen. Windy Boy voted by proxy. Sen. Keane will carry the bill on the Senate floor.

00:47:09 Pat Murdo

**EXECUTIVE ACTION ON HB 318**

00:47:52 **Motion:** Sen. Keane moved to **RECONSIDER PREVIOUS ACTION ON HB 318.**

**Discussion:**

00:48:21 Sen. Keane

00:48:38 Chairman Balyeat

00:48:45 **Vote:** Motion carried 8-3 by roll call vote. Sen. Barkus, Sen. Steinbeisser, and Sen. Balyeat voted no. Sen. Barkus, Sen. Peterson, Sen. Steinbeisser, and Sen. Windy Boy voted by proxy.

00:50:10 Chairman Balyeat

00:50:13 Pat Murdo

00:50:17 **Motion:** Sen. Keane moved that **HB 318 BE CONCURRED IN.**

**Discussion:**

00:50:31 Sen. Keane

00:50:56 Chairman Balyeat

00:51:04 **Motion/Vote:** Sen. Keane moved **TO CONCEPTUALLY AMEND HB 318** by changing the amount of the annual filing fee from \$750 to \$250. Motion carried unanimously 11-0 by voice vote. Sen. Barkus, Sen. Peterson, Sen. Steinbeisser, and Sen. Windy Boy voted by proxy.

00:52:00 **Motion:** Sen. Keane moved **HB 318 AS AMENDED BE CONCURRED IN.**

**Discussion:**

00:52:15 Chairman Balyeat

00:53:12 **Vote:** Motion carried 6-5 by roll call vote. Sen. Barkus, Sen. Brown, Sen. Steinbeisser, Sen. Jackson, and Sen. Balyeat voted no. Sen. Barkus, Sen. Peterson, Sen. Steinbeisser, and Sen. Windy Boy voted by proxy. Sen. Keane will carry the bill.

00:54:42 Sen. Keane

00:54:46 Pat Murdo

00:54:59 Recess

01:02:36 Resume

**HEARING ON HB 357**

**Opening Statement by Sponsor:**

01:03:17 Rep. Tom Berry (R), HD 45, opened the hearing on HB 357, Shorten delay period for when contractor pays % on late payment to subcontractor.

**Proponents' Testimony:**

01:03:21 Carl Schweitzer, Executive Director, Montana Subcontractors

**EXHIBIT**(bus68a05)

01:05:36 Steve Wade, Montana Contractors Association

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:06:31 Rep. Berry

**EXECUTIVE ACTION ON HB 357**

01:06:44 **Motion/Vote:** Sen. Keane moved that **HB 357 BE CONCURRED IN**. Motion carried unanimously 11-0 by voice vote. Sen. Barkus, Sen. Peterson, Sen. Steinbeisser, and Sen. Windy Boy voted by proxy. Sen. Jackson will carry the bill on the Senate floor.

01:09:58 Break  
01:21:00 Resume

01:21:37 Chairman Balyeat

Note: Rep. Boniek, HB 61, was not present for HB 246, and Committee representatives were unable to locate him. Cosponsor, Sen. Aubyn Curtiss, SD 1, was asked to step in for Rep. Boniek under Senate Rules 30-70(2).

**HEARING ON HB 246**

**Opening Statement by Sponsor:**

01:21:46 Sen. Aubyn Curtiss, (R), SD 1, opened the hearing on HB 246, Exempt Montana-made firearms and ammunition from commerce clause.

**Proponents' Testimony:**

01:22:26 Gary Marbut, Missoula, President, Montana Shooting Sports Association; also representing National Rifle Association  
01:29:43 Doug Nulle, retired attorney, Clancy  
01:31:07 Lincoln Dziekonski, self, Helena

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:31:58 Sen. Stewart-Peregoy  
01:32:41 Sen. Steinbeisser arrived.  
01:33:58 Gary Marbut  
01:34:10 Chairman Balyeat  
01:35:07 Gary Marbut

**Closing by Sponsor:**

01:35:45 Chairman Balyeat explained there will not be a sponsor's close on HB 246, and asked the chief proponent to comment in the sponsor's place. The cosponsor previously waived her right to close.  
01:35:50 Gary Marbut

**EXECUTIVE ACTION ON HB 246**

01:37:17 **Motion:** Sen. Jackson moved that **HB 246 BE CONCURRED IN.**

**Discussion:**

01:37:36 Pat Murdo

01:37:43 Chairman Balyeat

01:37:49 Pat Murdo

01:38:15 Chairman Balyeat

01:38:23 Pat Murdo

01:38:45 **Vote:** Motion carried 7-4 by roll call vote. Sen. Squires, Sen. Stewart-Peregoy, Sen. Tropila, and Sen. Windy Boy voted no. Sen. Barkus, Sen. Peterson, and Sen. Windy Boy voted by proxy. Sen. Jackson will carry the bill on the Senate floor.

01:42:53 Chairman Balyeat



**ADJOURNMENT**

Adjournment: 10:45 A.M.

---

Linda Keim, Secretary

lk

Additional Documents:

**EXHIBIT ([bus68aad.pdf](#))**